



UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

Emil MICHALCZUK)

Case No. 8:17-MJ-52 (GLF)

Defendant)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 3, 2017, in the county of Clinton in the Northern District of New York the defendant violated:

Code Section

8 U.S.C. § 1325(a)(1)

Offense Description

Improper entry by an alien, any alien who enters or attempts to enter the United States at any time or place other than as designated by immigration officers.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

Trevor Kinblom, Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: February 6, 2017

Judge's signature

City and State: Plattsburgh, New York

Hon. Gary L. Favro, U.S. Magistrate Judge

Printed name and title

United States of America v. Emil MICHALCZUK

At approximately 1100 AM on February 3, 2017, Swanton Sector Dispatchers (KAD 640) alerted Champlain Border Patrol Agents (BPAs) to a possible illegal entry into the United States near the "knuckle" on New York State Route 276 in Rouses Point, New York. The Royal Canadian Mounted Police (RCMP) initiated the report after spotting a single male walking south towards the "knuckle" area. BPA Brad Kirkpatrick responded to the location and met RCMP at the scene where foot sign was located in the snow indicating that one individual had crossed from Canada into the United States. Shortly there-after, Officers from the Office of Field Operations (OFO) made contact with BPAs and stated they had encountered the suspect individual about a mile south of the international border near the Bechard Senior Housing adjacent to the Rouses Point Train Station. BPA Kirkpatrick responded to that area and interviewed the male subject, later identified as Emil MICHALCZUK. BPA Kirkpatrick questioned MICHALCZUK as to his citizenship and how MICHALCZUK entered the United States. At that time MICHALCZUK admitted to BPA Kirkpatrick that he was a Polish citizen and had entered the United States illegally without crossing through a Port of Entry.

MICHALCZUK's records checks confirmed that MICHALCZUK is a citizen and national of Poland. Record checks also revealed the following information. MICHALCZUK used a Polish passport bearing his biographical information to legally enter Canada on February 2, 2017 via Montreal-Trudeau Airport. MICHALCZUK's fingerprints were previously taken on July 15, 2016 at the United States State Department Office in Warsaw Poland, when MICHALCZUK had applied for and was denied a visa to visit the United States. At the time of his arrest MICHALCZUK was in possession of an Amtrak train ticket from Rouses Point, New York to New York City, New York. But MICHALCZUK was not in possession of any immigration documents that would allow him to be legally present in the United States.